

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

HOWARD HERSHIPS,

No. C06-06644 MJJ

Plaintiff,

**ORDER STRIKING AS MOOT  
APPLICATION TO PROCEED WITH  
APPEAL IN FORMA PAUPERIS**

v.

SUPERIOR COURT OF CALIFORNIA,

Defendant.

**INTRODUCTION**

On December 11, 2006, this Court granted Plaintiff Howard Herships' application to proceed in forma pauperis in this district court action. (Docket No. 11.) On June 13, 2007, the same day that Plaintiff filed a notice of appeal in this action, Plaintiff filed another application to proceed in forma pauperis, which this Court construes as a request to the district court under Federal Rule of Appellate Procedure 24(a)(1) for authorization to proceed with his appeal in forma pauperis. (Docket No. 40.)

The Court **STRIKES AS MOOT** the pending application to proceed in forma pauperis on appeal. Pursuant to Federal Rule of Civil Procedure 24(a)(3), "a party who was permitted to proceed in forma pauperis in the district-court action . . . may proceed on appeal in forma pauperis without further authorization" unless certain conditions, not applicable here, at met. Accordingly, because Plaintiff was permitted to proceed in forma pauperis in the district-court action, he is already authorized to proceed on appeal in forma pauperis without need for a second application.

**IT IS SO ORDERED.**

Dated: 8/2/07

  
MARTIN J. JENKINS  
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

HOWARD HERSHIPS,  
Plaintiff,

v.

SUPERIOR COURT OF CALIFORNIA et al,  
Defendant.

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Case Number: CV06-06644 MJJ

**CERTIFICATE OF SERVICE  
ON NON E-FILING PARTY**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on August 6, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Howard Hershops  
P.O. Box 190711  
San Francisco, CA 94119-0711

Dated: August 6, 2007



Richard W. Wieking, Clerk  
By: Edward Butler, Deputy Clerk